

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

**Bryan Henry Burkard**

Plaintiff

vs.

**CASE NUMBER: 3:21-cv-1055 (ML)**

**Commissioner of Social Security**

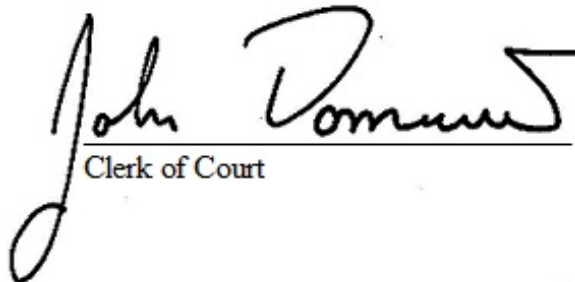
Defendant

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action; and it is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); and it is further ORDERED that nothing within this consent order shall be deemed to bar Plaintiff from seeking attorneys fees under the Equal Access to Justice Act (EAJA).

All of the above pursuant to the order of the Honorable Miroslav Lovric, dated the 26<sup>th</sup> day of July, 2022.

DATED: July 26, 2022

  
Clerk of Court

s/Kathy Rogers  
Deputy Clerk